

REMARKS

This application pertains to a novel track support for a magnetic levitation railway.

Claims 19-27 are pending.

The disclosure stands objected to for various reasons indicated more specifically in the office action. It is believed that the amendments made herein obviate the objections, and the objections should therefore be withdrawn.

The drawings stand objected to because the brief description of Fig. 3 calls for an enlarged depiction of detail X in Fig 2, but no detail X is shown in Fig. 2. A marked-up copy of Fig. 2 is enclosed, on which the portion referred to as detail X in the specification is circled in red, and identified by the symbol "X", in red. If the Examiner would indicate his approval of the proposed corrections, Applicants will arrange for the submission of corrected formal drawings.

The drawings also stand objected to because the brief description of Fig. 2 calls for an enlarged section of the track support design in the region of the jib shown in fig. 1, but the drawing does not show any label identifying this enlarged partial section. A marked-up copy of Fig. 1 is enclosed, on which the enlarged partial section is circled in

red, and identified by the symbol "A". If the Examiner would indicate his approval of the proposed corrections, Applicants will arrange for the submission of corrected formal drawings.

The drawings are further objected to because Claim 1, line 3 recites "a closed hollow trapezoidal", which the Examiner sees as a missing feature. The same objection pertains to Claim 4.

The central part of the structure shown in Figure 1 is clearly a closed hollow trapezoid, and this feature is therefore already shown in the original drawings. Nevertheless, the claims have now been rewritten, and this part of the structure is referred to as an "inverted trapezoid", which is clearly seen in Fig. 1.

In view of the proposed corrections to the drawings and the wording of the new claims, the objection to the drawings should be withdrawn.

The claims stand objected to and also rejected under 35 U.S.C. 112 for various reasons more specifically indicated in the office action; mainly pertaining to what the Examiner sees as instances wherein insufficient antecedent support exists, instances wherein the choice of language used is confusing and unclear.

The claims have now been completely rewritten and as rewritten are believed to obviate all of the issues raised in the objection and rejection.

Although the exact wording of the claims does not find *in haec verba* support in the specification, the present claims are fully supported by a fair reading of the specification together with the drawings. As indicated in MPEP 2163(I)(B), there is no *in haec verba* requirements and, as indicated in MPEP 2163(II)(3)(a), drawings alone may provide a 'written description' of an invention as required by Sec. 112. Accordingly no new matter is presented, and the claims should be entered.

In view of the present amendments and remarks it is believed that claims 19-27 are now in condition for allowance. Reconsideration of said claims by the Examiner is respectfully requested and the allowance thereof is courteously solicited.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, Appellants request that this be considered a petition therefor. Please charge the required petition fee to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fee or credit any excess to Deposit Account

No. 14-1263.

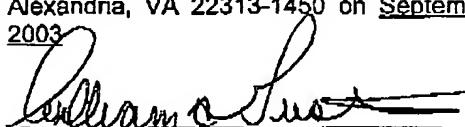
Respectfully submitted,  
NORRIS, McLAUGHLIN & MARCUS

By   
William C. Gerstenzang  
Reg. No. 27,552

WCG:tmh  
10/20/03  
220 East 42<sup>nd</sup> Street - 30<sup>th</sup> Floor  
New York, New York 10017  
(212) 808-0700

**OFFICIAL**

I hereby certify that this correspondence is being transmitted via facsimile addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 15, 2003

  
William C. Gerstenzang

Date: September 15, 2003

**RECEIVED**  
**CENTRAL FAX CENTER**

SEP 15 2003

**RECEIVED**  
**CENTRAL FAX CENTER**

SEP 15 2003